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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,895	08/02/2001	Peter A. Goode	22.1410	9846 .

7590 09/04/2003

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EXAMINER

BEACH, THOMAS A

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 09/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/920,895

Applicant(s)

GOODE ET AL.

Examiner

Thomas A Beach

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 3/17/03 fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.
2. The information disclosure statement filed 3/17/03 fails to comply with 37 CFR 1.97(d) because it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

3. Claims 1-8 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Tarlton 6,336,238. Tarlton shows a system having a well, and a carousel of tools 30 (figure 7) to automatically and selectively deploy tools to perform an intervention in the well in which the tool/robot (pig) may be one to measure property of the well (col.1, lines 10-16; claim 2) such as composition (claim 3), temperature (claim 4) or pressure (claim 5) and take corrective action in the well (claim 6). Tarlton further shows that tool is adaptive to plug (claim 7) or take a measurement (claim 8) and deploy tools at a certain height.
4. Claims 1-8 and 10-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kilgore 6,182,765. Kilgore shows a system having a well, and a carousel 320 of tools/sensors 327 to automatically and selectively deploy tools/sensors/robot (tethered

Art Unit: 3671

315; claim 20) to perform an intervention in the well in which the tool may be one to measure an environmental property of the well (col. 5, lines 30-46; claim 2) such as composition (claim 3), temperature (claim 4) or pressure (claim 5) and take corrective action in the well (claim 6). Kilgore further shows that tool is adaptive to plug (claim 7) or take a measurement (claim 8) and deploy tools at a certain height. Kilgore shows retrieving data 340 (claim 13) from the sensors and communication with the sensors 430 (figure 3; claim 14-15) of tractor (figure 4) that is self-contained in the well (col. 6, lines 35-50; claim 21) and above on the platform (figure 3; claim 22). Kilgore discloses a tool 327 that with wireline 315 is allowed to "free fall" to discretionary depths (claims 10 and 12) in which a delay is possible because of the halting the wireline feed (claim 11). Kilgore shows the use of an injection port 150 (claim 16) where fluid flow is halted (claim 17).

5. Claims 1-8, 10-12, 18, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Moss 6,488,093. Moss shows a system having a well, and a carousel of tools/robot 33 (figures 2-3) to automatically and selectively deploy tools to perform an intervention in the well in which the tool/robot may be one to measure property of the well (col. 4, lines 40-59; claim 2) such as composition (claim 3), temperature (claim 4) or pressure (claim 5) and take corrective action in the well (claim 6). Moss further shows that tool is adaptive to plug (col. 4, lines 50-59; claim 7) or take a measurement (col. 4, lines 40-56; claim 8) and deploy tools at a certain height (col. 4, lines 1-8). Moss discloses a tool 33 that with wireline 41 is allowed to "free fall" to discretionary depths

Art Unit: 3671

(claims 10 and 12) in which a delay is possible because of the halting the wireline feed (claim 11).

***Allowable Subject Matter***

6. Claims 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-8 have been fully considered but are not persuasive.

Applicant's arguments with respect to Kilgore and Moss are noted; however, the claim language "adapted to" amounts to intended use and; therefore, the tools that deploy sensors at a predetermined height is not positively claimed and thus not required to be shown or disclosed by the reference in order to make the rejection as noted above, only that the tools are disclosed that are capable of deploying sensors.

Applicant's arguments with respect Tarlton and that the carousel be sealed within the well are noted; however, the pipeline of Tarlton having the carousel is in sealing engagement with the well and thus considered to be sealed within. Furthermore, the claim language does not preclude this indirect arrangement since the carousel is requires to be sealed within a well.

Art Unit: 3671

8. Applicant's arguments with respect to claims 10-12 have been fully considered but are not persuasive. Both Moss and Kilgore show the method of dropping a tool into a subsea well in which the step of halting flow is inherent since the tools would not free fall otherwise and no flow is shown, thus the flow must have already been halted.

9. Applicant's arguments with respect to claims 13-17 have been fully considered but are not persuasive since Kilgore specifically discloses examples of tool that measure or sense and environmental property (col. 1, lines 20-30).

10. Applicant's arguments with respect to claims 18-24 have been fully considered but are not persuasive since each of the tools discussed in Moss, Kilgore and Tarlton can be considered a robot and furthermore the claims lack and specific details regarding a robot that would overcome the rejection above.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3671

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

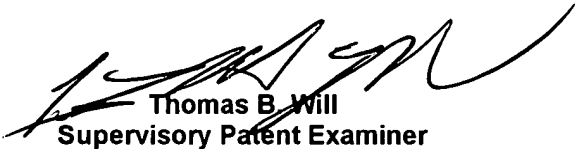
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A Beach whose telephone number is 703.305.4848. The examiner can normally be reached on Monday-Thursday, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703.308.3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.4198.

Thomas A. Beach

August 25, 2003

  
Thomas B. Will  
Supervisory Patent Examiner  
Group 3600